

### REMARKS

The applicants and their attorney appreciate Examiner Tran's granting of a telephone interview which was held on March 28, 2006 at 3pm. During the interview, Examiner Tran expressed concern over the use of the term "... being in phase with...", as claimed in independent claims 1, 19 and 23. In view of this comment, independent claims 1, 19, and 23 are amended to clarify what is meant by this term by rephrasing the term as "...having a phase that is the same as a phase of" the received clock. During the interview, Examiner Tran indicated that such a clarification is believed to distinguish the invention of claims 1, 19 and 23 over the combined teachings of Suemura and Co. It is believed that the present amendment clarifies the claims in accordance with Examiner Tran's suggestions, so as to place the application in condition for allowance. In view of the foregoing, and further in view of additional remarks below, such allowance is respectfully requested.

Applicants note that the Office Action Summary does not indicate whether the drawings filed in the application are acceptable. Confirmation of their acceptability is respectfully requested.

Applicants note with appreciation that the Office Action indicates at page 12 that claims 3-5, 7, 21-22 and 24 would be allowable if rewritten in independent form. Applicants wish to defer submission of these claims, pending consideration of the present Amendment.

Claims 1, 6, 8-9, 19-20 and 23 stand rejected under 35 U.S.C. 103(a) as being anticipated by Suemura *et al.* (U.S. Patent No. 5,887,039 - hereinafter "Suemura") in view of Co, *et al.* (U.S. Patent No. 5,602,882 - hereinafter "Co). Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Suemura in view of Co, and in further view of Sakamoto, *et al.* (U.S. Patent No. 6,557,110 - hereinafter "Sakamoto"). Reconsideration and removal of the rejections, and allowance of the claims, are respectfully requested.

With regard to the rejection of independent claims 1, 19, and 23, it is submitted that the combination of Suemura and Co fails to teach or suggest “non-overlapping clock signals” (claim 1) or “non-overlapped clock signals” (claim 19, 23) each having a “frequency that is the same as a frequency of” a “received clock,” as claimed, for reasons at least described in the previous Amendment After Final Rejection, filed on September 21, 2005, in response to the Office Action mailed on July 28, 2005. In particular, in the current Office Action at page 6, lines 1-4, it is asserted that the read clocks R0-R7 38 of Co are the same as the “non-overlapping clock signals” as claimed. Assuming this to be the case, it follows that the read clocks 38, R0-R7 of Co do not meet the limitation “the non-overlapping clock signals each having a frequency that is the same as a frequency of the received clock” of the present invention as claimed, since, as stated in the Amendment After Final Rejection at page 13, second paragraph, Co teaches a receive clock Rx CLK 11 having a frequency of 32 MHz, while the read clocks R0-R7 of Co each have a frequency that is 1/64th the frequency of the received clock. Further, while the current Office Action at page 3, lines 5-7 refers to receive clock Rx CLK 11 and filtered receive clock FILTERED Rx CLK 20 as being a “receive clock,” and while the Office Action at page 3, line 7 refers to the receive clock 11 and filtered receive clock 20 of Co as having the same frequency i.e., 32 MHz, see Fig. 6 of Co, there is no teaching or suggestion in Co of either the receive clock 11 (i.e., 32 MHz) or filtered receive clock 20 (i.e., 32 MHz) having the same frequency as the read clocks R0-R7 (i.e., 0.5 MHz). It therefore follows that, since the read clocks 38, R0-R7 of Co are not of a frequency that is “the same as a frequency of” the filtered receive clock 20, it follows that the read clocks R0-R7 are not the applicants’ claimed “non-overlapping clock signals,” as claimed in amended independent claim 1 or “non-overlapped clock signals,” as claimed in amended independent claims 19 and 23.

In addition, it is submitted that the combination of Suemura and Co fails to teach or suggest “at least one of” the “non-overlapping clock signals” (claim 1) or “non-overlapped clock signals” (claims 19, 23) “having a phase that is the same as a phase of” a received clock, as claimed, for reasons similar to those described in the previous Amendment C, filed on May 6, 2005, in response to the Office Action mailed on February 7, 2005. In particular, the read clocks

R0-R7 of Co are derived from the filtered receive clock 20 which, in turn, is a selected one of the multi-phase clocks 32 as selected by the phase selector 30 (see Co, Fig. 3). As explained in Amendment C, filed on May 6, 2005, and reiterated in Amendment After Final Rejection, filed on September 21, 2005, the multi-phase clocks 32 are generated by an oscillator that operates on the circuit board of the Co jitter attenuator. In this manner, the oscillator is independent of the receive clock Rx CLK as received via the optical interface 11. In view of this, it follows that the read clocks 38, R0-R7 of Co not only have a different frequency than the receive clock 11, but the read clocks 38, R0-R7 also have no phase that is the same as a phase of the receive clock 11, since the read clocks 38, R0-R7 are generated independently by the oscillator, and not generated by the receive clock 11.

Accordingly, it is submitted that Suemura and Co, taken alone or in combination, fail to teach or suggest the invention set forth in independent claims 1, 19, and 23. Since neither the Suemura reference nor the Co reference individually teaches or suggests these claimed features, there is no way to combine the references to obtain teaching or suggestion of the claimed features, and, therefore, there is no combination of the references that teaches or suggests the invention as set forth in claims 1, 19, and 23. Accordingly, reconsideration and removal of the rejection of claims 1, 6, 8-9, 19-20, and 23 under 35 U.S.C. 103(a) based on Suemura and Co are respectfully requested.

With regard to dependent claim 2, it is submitted that Sakamoto, like Suemura and Co, fails to teach or suggest fails to teach or suggest the aforementioned features of independent claim 1. Specifically, Sakamoto likewise fails to teach or suggest "a receiver phase locked loop that generates a second plurality of non-overlapping clock signals of different respective phases in response to a received clock included in the received optical signal...the non-overlapping clock signals each having a frequency that is the same as a frequency of the received clock," as claimed in amended independent claim 1. In addition, Sakamoto likewise fails to teach or suggest "at least one of the non-overlapping clock signals having a phase that is the same as a phase of the received clock," as claimed in amended independent claim 1. Accordingly, since Suemura, Co,

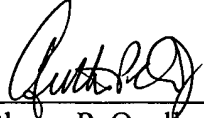
and Sakamoto, taken alone or in combination, fail to teach or suggest the present invention set forth in claim 2, the claim is believed to be allowable over the references. Accordingly, reconsideration and removal of the rejection of claim 2 under 35 U.S.C. 103(a) based on the combination of Suemura, Co, and Sakamoto is respectfully requested.

Closing Remarks

Entry of the above amendments and allowance of all claims are respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.

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Respectfully submitted,

  
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